

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stephen T. Sonis and Edward G. Fey

Serial No: 09/800,855

Art Unit: 1614

Filed: March 7, 2001

Examiner: C. Delacroix-Muirheid

For: *METHODS AND COMPOSITIONS FOR TREATING AND PREVENTING
MUCOSITIS*

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER AN ISSUED PATENT**

Sir:

Petitioner, Mucosal Therapeutics, LLC, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,458,777, issued October 1, 2002, as evidenced by the accompanying Certificates under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,458,777, issued on October 1, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,458,777 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,458,777 as

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U.S.S.N. 07/100,855
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TERMINAL DISCLAIMER TO DEVIATE A
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OVER AN ISSUED U.S. PATENT

shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,458,777; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Mucosal Therapeutics, LLC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MUCOSAL THERAPEUTICS, LLC

By: Name: Harry BarnettTitle: ManagerDate: November 13, 2002

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PTO/SB/08 (06-00)

Approved for use through 10/31/2002. OMB 0637-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Stephen T. Senis and Edward G. Fey
Application No./Patent No.: 09/800,855 Filed/Issue Date: March 7, 2001
Entitled: Methods and Compositions for Treating and Preventing Mucositis
Mucosal Therapeutics, LLC, a Limited Liability Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

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☐ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 13, 2002
Date

Harry Ruppel
Typed or printed name
[Signature]
Signature
Manager
Title

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PTO/SB/198 (08-07)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Stephen T. Sonis and Edward G. Fey
 Application No./Patent No.: 6,458,777 Filed/Issue Date: October 1, 2002
 Entitled: Methods and Compositions for Treating and Preventing Mucositis
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 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010228 Frame 0098, or for which a copy thereof is attached.

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 13, 2002
 Date

Harry Baym
 Typed/print name
[Signature]
 Signature
Manager
 Title

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